

AMENDED IN ASSEMBLY AUGUST 19, 2016
AMENDED IN ASSEMBLY AUGUST 15, 2016
AMENDED IN ASSEMBLY AUGUST 1, 2016
AMENDED IN ASSEMBLY JUNE 23, 2016
AMENDED IN ASSEMBLY JUNE 8, 2016
AMENDED IN ASSEMBLY JULY 8, 2015
AMENDED IN ASSEMBLY JULY 1, 2015
AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 465

Introduced by Senators Hill and Hancock

February 25, 2015

An act to add Sections 7021 and 7071.18 to the Business and Professions Code, and to add Section 18924.5 to the Health and Safety Code, relating to building construction.

LEGISLATIVE COUNSEL'S DIGEST

SB 465, as amended, Hill. Building construction: contractors: discipline: reporting: building standards.

(1) Existing law, the Contractors' State License Law, provides for the licensure, regulation, and discipline of contractors by the Contractors' State License Board. Existing law requires the board, with the approval of the Director of Consumer Affairs, to appoint a registrar of contractors to serve as the executive officer and secretary of the board. Under existing law, protection of the public is required to be the

highest priority for the Contractors' State License Board in exercising its licensing, regulatory, and disciplinary functions.

Under existing law, the Division of Occupational Safety and Health has the power, jurisdiction, and supervision over every employment and place of employment in this state, which is necessary to adequately enforce and administer all laws and lawful standards and orders, or special orders requiring such employment and place of employment to be safe, and requiring the protection of the life, safety, and health of every employee in such employment or place of employment.

This bill, by January 1, 2018, would require the board to enter into an interagency agreement with the Division of Occupational Safety and Health to ensure that specified disciplinary information relating to a contractor is timely reported to the board. The bill, by January 1, 2018, would also require the board to enter into an interagency agreement with any other state or local agency the board deems to be in possession of information relevant to its priority to protect the public. By requiring a local agency to enter into an interagency agreement with the board, the bill would impose a state-mandated local program.

This bill would require a licensee to report to the registrar within 90 days of the date that the licensee has knowledge of the conviction of the licensee for any felony or any other crime substantially related to the qualifications, functions, and duties of a licensed contractor.

This bill would require the board to consult with licensees and consumers in order to prepare a study of judgments, arbitration awards, and settlements that were the result of claims for construction defects for rental residential units and, by January 1, 2018, report to the Legislature the results of the study to determine if the board's ability to protect the public would be enhanced by regulations requiring licensees to report judgments, arbitration awards, or settlement payments of those claims. This bill would specify that participation in the study by licensees and consumers is voluntary. The bill would require records or documents obtained by the board during the course of implementing this study that are exempt from public disclosure to remain exempt from disclosure.

(2) Under existing law, there exists the California Building Standards Commission. Existing law requires the California Building Standards Commission to, among other things, review the standards of adopting state agencies and approve, return for amendment with recommended changes, or reject building standards submitted to the commission for its approval, as provided.

This bill would require the California Building Standards Commission to convene a specified working group to investigate existing building standards associated with the construction, inspection, and maintenance of exterior elevated elements. By January 1, 2018, the bill would require the working group to report to the California Building Standards Commission any findings and possible recommendations for statutory changes or changes to the California Building Standards Code. By January 1, 2018, the bill would also require the working group to provide that report to a specified legislative committee. However, if, at any time, it is determined by the working group that one or more changes to the California Building Standards Code are needed as soon as possible in order to protect the public, the bill would require the working group to submit the proposed changes to the California Building Standards Commission for consideration as soon as possible.

(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7021 is added to the Business and
- 2 Professions Code, to read:
- 3 7021. (a) By January 1, 2018, the board shall enter into an
- 4 interagency agreement with the Division of Occupational Safety
- 5 and Health to ensure that any citation, fine, or any other actions
- 6 potentially involving or involving a serious injury or illness, as
- 7 defined in Section 6302 of the Labor Code, taken by the division

1 against a contractor, along with any other information the division
2 may possess regarding a contractor, is timely reported to the board.

3 (b) By January 1, 2018, the board shall enter into an interagency
4 agreement with any other state or local agency the board deems
5 to be in possession of any information relevant to its priority to
6 protect the public described in Section 7000.6.

7 SEC. 2. Section 7071.18 is added to the Business and
8 Professions Code, to read:

9 7071.18. (a) Notwithstanding any other law, a licensee shall
10 report to the registrar in writing the occurrence of any of the
11 following within 90 days after the licensee obtains knowledge of
12 the event:

13 (1) The conviction of the licensee for any felony.

14 (2) The conviction of the licensee for any other crime that is
15 substantially related to the qualifications, functions, and duties of
16 a licensed contractor.

17 (b) (1) The board shall consult with licensees and consumers
18 in order to prepare a study of judgments, arbitration awards, and
19 settlements that were the result of claims for construction defects
20 for rental residential units and, by January 1, 2018, shall report to
21 the Legislature the results of this study to determine if the board's
22 ability to protect the public as described in Section 7000.6 would
23 be enhanced by regulations requiring licensees to report judgments,
24 arbitration awards, or settlement payments of those claims.
25 Participation by licensees and consumers shall be voluntary. The
26 study shall include, but not be limited to, criteria used by insurers
27 or others to differentiate between settlements that are for nuisance
28 value and those that are not, whether settlement information or
29 other information can help identify licensees who may be subject
30 to an enforcement action, if there is a way to separate
31 subcontractors from general contractors when identifying licensees
32 who may be subject to an enforcement action, whether reporting
33 should be limited to settlements resulting from construction defects
34 that resulted in death or injury, the practice of other boards within
35 the department, and any other criteria considered reasonable by
36 the board. The board shall submit the report to the Legislature in
37 accordance with Section 9795 of the Government Code.

38 (2) Records or documents obtained by the board during the
39 course of implementing this subdivision that are exempt from
40 public disclosure under the California Public Records Act (Chapter

1 3.5 (commencing with Section 6250) of Division 7 of Title 1 of
2 the Government Code) shall remain exempt from disclosure
3 pursuant to that act.

4 SEC. 3. Section 18924.5 is added to the Health and Safety
5 Code, to read:

6 18924.5. (a) The California Building Standards Commission
7 shall convene a working group to investigate existing building
8 standards associated with the construction, inspection, and
9 maintenance of exterior elevated elements.

10 (b) The working group shall include, but not be limited to,
11 representatives from the ~~Department of Housing and Community~~
12 ~~Development, the Division of the State Architect—Structural~~
13 ~~Safety, the Office of the State Fire Marshal, local building officials~~
14 ~~and plan checkers, structural engineers, apartment owners and~~
15 ~~managers, building industry, wood, steel and concrete industries,~~
16 ~~and any other interested parties.~~ *state government entities, building*
17 *officials, engineers, construction industry, and any other interested*
18 *parties.*

19 (c) The working group shall review related documents and
20 reports, including, but not limited to, forensic reports related to
21 exterior elevated element failures in California, reports and studies
22 used in the development of national and state building codes, and
23 any other material deemed relevant to determine if any changes
24 need to be made to the construction specifications or inspection
25 requirements, excluding routine inspections that occur after project
26 completion, contained within the California Building Standards
27 Code.

28 (d) (1) By January 1, 2018, the working group shall report to
29 the California Building Standards Commission any findings and
30 possible recommendations for statutory changes or changes to the
31 California Building Standards Code. By January 1, 2018, the
32 working group shall also provide that report to the Senate
33 Committee on Business, Professions and Economic Development.

34 (2) Notwithstanding paragraph (1), if, at any time, it is
35 determined by the working group that one or more changes to the
36 California Building Standards Code are needed as soon as possible
37 in order to protect the public, the working group shall submit the
38 proposed changes to the California Building Standards Commission
39 for consideration as soon as possible.

1 SEC. 4. The Legislature finds and declares that Section 2 of
2 this act, which adds Section 7071.18 to the Business and
3 Professions Code, imposes a limitation on the public's right of
4 access to the meetings of public bodies or the writings of public
5 officials and agencies within the meaning of Section 3 of Article
6 I of the California Constitution. Pursuant to that constitutional
7 provision, the Legislature makes the following findings to
8 demonstrate the interest protected by this limitation and the need
9 for protecting that interest:

10 By allowing records and documents exempt from disclosure to
11 be shared with the Contractors' State License Board and remain
12 nonpublic under the Public Records Act, the act adding this section
13 would encourage private individuals and entities to provide the
14 board with information that is vital to the success of its study and
15 report to determine whether additional regulations are appropriate.
16 Therefore, this act properly balances the public's right to access
17 to public records in the possession of the board with the need for
18 the state to obtain otherwise private information.

19 SEC. 5. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.